

REMARKS

Applicant would like to thank the Office for the substantive review in this case. In the Office Action, the Office provided a requirement for restriction between two inventions:

- Claims 1, 4, 5, 9, 10, 12-15, 31, 32, 34 and 35 drawn to quality of a device, classified in class 455, subclass 455.2; ("Invention I") and
- Claims 16-18, 21-26 and 28-30 drawn to quality of data, classified in class 702, subclass 69 ("Invention II").

Applicant's attorney provisionally elected the claims of Invention 1 via telephone conversation with the Examiner on May 15, 2008. Applicant confirms this election without traverse. Claims 16-18, 21-26 and 28-30 have been withdrawn. Applicant expressly reserves the right to file one or more continuing applications directed to the subject matter of any of claims 16-18, 21-26 and 28-30 or any other subject matter during the pendency of the present application.

In the Office Action, the Office further rejected claims 1, 4, 5, 9, 10, 12-15, 31, 32, 34 and 35 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,256,737 (Bianco). Claim 35 has been amended. No new matter has been added as a result of this amendment.

Upon entry of this Amendment and Response, claims 1, 4, 5, 9, 10, 12-15, 31, 32, 34 and 35 will remain pending. For the reasons set forth hereinbelow, Applicants respectfully request that the rejections associated with the pending claims be withdrawn.

Claims 1, 4, 5, 9, 10 and 12-15

Applicants submit that independent claim 1 is not anticipated by Bianco, because Bianco fails to disclose each and every element of claim 1. *See* MPEP §2131 (stating that a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in the single prior art reference). More particularly, Applicants submit that Bianco fails to disclose, among other things, "generating upgraded biometric data based on a combination of biometric data associated with said user record received from a second biometric device and said received biometric data [from a first biometric device] if the first biometric device is of a higher quality than the second biometric device," as required by claim 1.

Bianco discloses a method for utilizing biometric measurements for the authentication of users to enterprise resources. *See* Bianco at Abstract. Bianco discloses that a biometric server stores collections of biometric templates, biometric policies, biometric groups, biometric device IDs, user IDs, computer IDs and application IDs. *See id.* at 17: 38-41. A unique biometric template is created and stored in the biometric server each time a user enrolls on a different biometric device. *See id.* at 17:41-44. Biometric groups, which represent a way of combining one or more users that need access to the same set of resources, are also stored in the biometric server. *See id.* at 18:8-11. Each biometric group may be assigned a particular biometric policy that is also stored in the biometric server. *See id.* at 18:18-43. Once it is known which biometric policy will be applied, a biometric template is created for each biometric device associated with the biometric policy by enrolling the user in each device. *See id.* at 19:27-34. Moreover, Bianco teaches that there is one biometric template for each biometric device ID. *See id.* at 24:9-10. As such, Bianco teaches assigning biometric templates based on a biometric group or policy assigned for a particular user and to a particular device.

This is in stark contrast to claim 1, which requires generating upgraded biometric data based on the combination of (1) **biometric data associated with said user record received from a second biometric device** and (2) received biometric data from a first biometric device if the first biometric device is of a higher quality than the second biometric device. Claim 1 teaches using separate biometric data received from first and second biometric devices to generate upgraded biometric data that includes portions of each separate biometric data. One process by which this can be performed is discussed in detail in Applicant's specification at paragraphs [0025] through [0030].

The Office states that the generating operation performed above is taught by Bianco as part of a re-enrollment procedure. However, Bianco does not discuss combining portions of separate biometric data to produce upgraded biometric data as part of a re-enrollment process or for any other purpose. Bianco teaches storing data in an alternate biometric server to prevent data loss and to minimize the need for re-enrolling users. *See* Bianco at FIG. 1. However, this is merely replication of existing data, not generation of new data by combining data from multiple devices or received at different times. More particularly, Bianco merely teaches that copies of biometric data may be provided to separate devices in order to expedite authentication

and enrollment procedures. Bianco does not teach or discuss combining biometric data associated with a user record with received biometric data to generate upgraded biometric data. Indeed, Bianco does not discuss the combination of biometric data to generate upgraded biometric data for any purpose.

Therefore, for at least the reasons set forth hereinabove, Applicants submit that claim 1 is allowable over the Examiner-cited prior art. *See* MPEP §2131. Because claims 4, 5, 9, 10 and 12-15 depend from and incorporate all of the limitations of allowable independent claim 1, Applicants submit that claims 4, 5, 9, 10 and 12-15 are likewise allowable over the Examiner-cited prior art. Accordingly, Applicants respectfully request that the rejections associated with claims 1, 4, 5, 9, 10 and 12-15 be withdrawn.

Claims 31, 32, 34 and 35

Applicants submit that independent claim 31 is not anticipated by Bianco, because Bianco fails to disclose each and every element of claim 31. *See* MPEP §2131. More particularly, Applicants submit that Bianco fails to disclose, among other things, “determining whether said received biometric data is useful to upgrade said second biometric data, wherein said determining is based on a quality of said local biometric device,” as required by claim 31.

Bianco discloses a method for utilizing biometric measurements for the authentication of users to enterprise resources. *See* Bianco at Abstract. Bianco discloses that a biometric server stores collections of biometric templates, biometric policies, biometric groups, biometric device IDs, user IDs, computer IDs and application IDs. *See id.* at 17: 38-41. A unique biometric template is created and stored in the biometric server each time a user enrolls on a different biometric device. *See id.* at 17:41-44. Biometric groups, which represent a way of combining one or more users that need access to the same set of resources, are also stored in the biometric server. *See id.* at 18:8-11. Each biometric group may be assigned a particular biometric policy that is also stored in the biometric server. *See id.* at 18:18-43. Once it is known which biometric policy will be applied, a biometric template is created for each biometric device associated with the biometric policy by enrolling the user in each device. *See id.* at 19:27-34. Moreover, Bianco teaches that there is one biometric template for each biometric device ID. *See id.* at 24:9-10. Bianco further discloses the use of one or more alternate biometric servers that are backup or

standby servers to the main biometric server. The backup servers store the same data as the main server and are only accessed if the main server fails. *See id.* at 10:28-35. The Office surmises that Bianco permits upgrading of biometric data through recovering from data loss to become active again or update the databases. *See id.* at 10:45-55; *see also* Office Action at 10-11.

In contrast, claim 31 requires determining whether received biometric data is useful to upgrade second biometric data, wherein the determining is based on a quality of a local biometric device. Claim 31 further requires that the local biometric device is the device at which biometric information is taken from a user.

The Office states that Bianco can determine that it is useful to upgrade biometric data based on the storage integrity of a biometric server. *See* Office Action at 10-11. However, the biometric server is not a local biometric device as such device is defined by claim 31. Claim 31 requires that a local biometric device take biometric information from a user. The device that takes information from a user in Bianco is an enrollment station. In contrast, the biometric server receives information from an enrollment station for further processing. As such, the Office's argument is misplaced.

Moreover, storage integrity does not relate to a quality of a biometric device. The quality of a biometric device refers to the capabilities of the biometric device with respect to extracting biometric information from a user and providing such information to another device. For example, a higher quality device produces clearer images, extracts and provides more information, or the like as compared with a lower quality device. As such, Bianco does not disclose upgrading biometric data based on the quality of a local biometric device. Rather, Bianco discloses copying biometric data from an alternate biometric server to a main biometric server when data loss occurs as a result of a power failure.

As such, Bianco does not teach or discuss determining anything based on the quality of a local biometric device that takes biometric information from a user. In particular, Bianco does not teach or discuss determining whether received biometric data is useful to upgrade second biometric data based on a quality of the local biometric device.

Therefore, for at least the reasons set forth hereinabove, Applicants submit that claim 31 is allowable over the Examiner-cited prior art. *See* MPEP §2131. Because claims 32, 34 and 35 depend from and incorporate all of the limitations of allowable independent claim 31, Applicants

submit that claims 32, 34 and 35 are likewise allowable over the Examiner-cited prior art. Accordingly, Applicants respectfully request that the rejections associated with claims 31, 32, 34 and 35 be withdrawn.

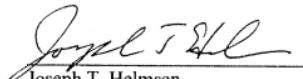
All of the stated grounds of rejection have been properly traversed, accommodated or rendered moot. Applicants therefore respectfully request that the Examiner reconsider and withdraw all presently outstanding rejections. There being no other rejections, Applicants respectfully request that the current application be allowed and passed to issue.

If the Examiner believes for any reason that personal communication will expedite prosecution of this application, I invite the Examiner to telephone me directly.

AUTHORIZATION

The Commissioner is hereby authorized to charge any additional fees which may be required for this Amendment and Response, or credit any overpayment, to deposit account no. 50-0436.

Respectfully submitted,
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